IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.1834 OF 2006**

Jaichitra Balakrishnan.....Petitioner

Vs.

University of Mumbai & Anr...Respondents

Petitioner in person present.

Mr. M.D. Naik, for Respondents

CORAM: **F.I. REBELLO &**

MRS.V.K.TAHILRAMANI, JJ.

DATE: 20th July,2006

P.C.

. The petitioner has approached this Court claiming that she is entitled to be awarded Ist Class. The relevant Regulation is R.2429 It read as follows:-

> "In order to be eligible for a class, the candidate must appear and pass each semester examination in not more than two sittings, further the candidate shall pas all the six semester examinations in not more than nine semesters after registration of the course."
>
> The reading of this Regulation will indicate that firstly that the candidate must appear and pass each Semester examination in not more than two sittings and apart from that must pass all six examinations in not more than nine sittings. In other words not only

must the candidate pass each semester in two sittings, apart from that the entire course must be completed in not more than nine semesters after registration of the course. The petitioner who appears in person points out to us Regulation O.2648 which Regulation pertains to carry over marks. That pertains to term work, test and internal assessment. On the facts of the present case admittedly the petitioner passed the first semester in three sittings and the second semester in three sittings. A perusal of the marks in the first semester will indicate that the petitioner failed in the theory paper, in the first and second semester and passed that paper in the third semester. That has nothing to do with term work, test or internal assessment. Regulation O.2648 would be inapplicable in so far as the petitioner's case is concerned. The petitioner's case would squarely be governed by Regulation R.2429 which provides for standards of passing. As the petitioner did not pass the first semester in three sittings the petitioner is not entitled for First Class as claimed by the petitioner in the present petition. Hence petition rejected.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**